



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



POLICY NUMBER

OPR: 45

**EFFECTIVE
DATE:
05/09/2012**

**ORIGINAL
ISSUED ON:
02/21/2007**

SUBJECT: TRAFFIC CRASH INVESTIGATION

REVISION NO:

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1.0 PURPOSE

The purpose of this policy is to establish guidelines for reporting and investigating traffic crashes.

2.0 POLICY

It is the policy of the Department of Public Safety, through the State Police and Motor Transportation Divisions, to perform a variety of traffic crash investigation functions including; providing emergency service to the injured, protecting the crash scene, conducting crash and follow-up investigations, preparing reports and taking proper enforcement action against those responsible for the crashes.

3.0 APPLICABILITY

This policy applies to all Department of Public Safety Commissioned Personnel.

4.0 REFERENCES

- A. CALEA Ch. 61- Traffic Crash Investigation**
- B. New Mexico Statutes Annotated**

5.0 DEFINITIONS

- A. Traffic Crash** - An unplanned event occurring during the operation of a motor vehicle that results in any degree of personal injury, vehicle, or property damage. Vehicle fires are not necessarily considered crashes, unless they result from a crash.
- B. Traffic Crash Reporting** – Basic data collection intended to identify and classify a traffic crash and the persons, property, time, location, and planned movements involved along with possible contributing factors and traffic law violations.
- C. Traffic Crash Investigation** - The collection of information, identification of people roads and vehicles involved in a traffic crash. Investigation areas include; injuries to people, marks, residue and debris on the roadway, damage to vehicles, objects, and final positions of vehicles and bodies, and the combination and interpretation of these facts.
- D. Highway** - Every way or place, generally open to the use of the public as a matter of right for the purpose of vehicular travel.
- E. Hazardous Material** - A substance or material in a quantity and form that may pose an unreasonable risk to health, safety or property when transported in commerce.

6.0 PROCEDURE**A. PROCEDURAL STEPS**

1. **Crash Classification** - The Department of Public Safety, State Police and Motor Transportation Divisions, will classify traffic crashes according to the National Safety Council Manual. An officer will be dispatched to the scene of a traffic crash to investigate it when the crash is classified as involving:
 - a. Death or injury
 - b. Hit and run
 - c. Impairment of the driver due to alcohol and/or drugs
 - d. Hazardous materials
 - e. Damage to government vehicles or property
 - f. When property damage exceeds \$500 or at the owner's request
 - g. A traffic crash on private property when it meets any of the criteria above
2. **Telecommunicator Responsibilities**
 - a. The telecommunicator will inform the nearest available officer of the crash location, injuries, traffic obstruction, and any other relevant information regarding the crash.
 - b. The telecommunicator will also be responsible for notifying additional units including fire rescue services, EMS and towing companies, as the situation dictates.
3. **Responding Officer Responsibilities** – Officers who initially receive the call to respond to a vehicle crash or in those instances when an officer drives up on a crash scene without being dispatched, the officers is considered to be in charge of that scene until relieved by a supervisor or the scene is turned over to another officer, as appropriate.
 - a. Initial on-scene responsibilities include, but are not limited to:
 - i. **Arrival** - The first officer to arrive at a traffic crash will take charge of the scene.
 - ii. **Assist Injured Persons** - The investigating officer will care for the injured, administer emergency medical care and basic life support, within the boundaries of training, until relieved by trained emergency medical personnel.
 - iii. **Summon Necessary Assistance** - The investigating officer may request assistance from additional units, the Crash Reconstruction Unit, HAZMAT ERO, Utility Companies, Department of Transportation or any other necessary resource needed to mitigate the situation.
 - iv. **Protect Crash Scene** - The investigating officer will park the patrol vehicle in a way that provides maximum protection to the crash scene without endangering the public or him/herself. The officer may use traffic cones or flares, if available, for scene protection. Equipment will be placed in a position that provides the maximum amount of motorist warning.
 - v. **Preserve Short-lived Evidence** - Officers will avoid altering or destroying short-term evidence (e.g. tire marks, impact debris) that may be essential to

the investigation, while approaching traffic crash scenes. Officers shall also direct responding resources to avoid destroying any evidence.

- vi. **Establish a Safe Traffic Pattern** - Officers may use certain equipment to establish a safe traffic pattern around a crash scene, to include:

- a. **Emergency Lights:** Lights provide oncoming traffic notice to continue with caution around the crash scene.

Additional Patrol Vehicles: Vehicles with emergency lights activated may be placed in front of or behind the crash scene to redirect traffic around the scene or onto other roadways.

- b. **Traffic Flares and Reflectors:** Flares and/or reflectors will be placed at a safe distance to allow other drivers to identify a crash scene and continue in a safe and controlled traffic pattern. Flares will be used during darkness to enhance visibility. Flares should not be used when there is a fuel hazard due to spilled fuel or if there is a danger of starting a fire.

- c. **Traffic cones:** Cones may be placed around a crash scene. An officer may request assistance from a state or a local highway department for assistance with a major crash scene or severe roadway obstruction.

- d. In the event a crash results in a roadway being closed, the investigating officer shall immediately inform his/her commander of the closure and request that the department Public Information Officer (PIO) be contacted to assist with appropriate notifications. The commander or assistant commander shall identify alternate routes of travel to divert traffic, if possible.

- vii. **Locate Witnesses** - The investigating or assisting officers will attempt to find drivers, occupants or witnesses when the scene is secured. The officer will interview participants or witnesses either at the scene of the crash or as soon as possible thereafter.

- viii. **Record Crash Information** - The investigating officer will record pertinent crash information on the appropriate forms when investigating a crash. The officer, within twenty-four hours after completing the investigation, will forward the report through the chain of command for approval.

- ix. **Control of Crash Victim's Vehicle and Property** - The investigating officer will be alert to the possibility of theft at a crash scene and will inventory and secure the property left in the vehicle which has an apparent value over twenty-five (\$25) dollars. The officer will have disabled vehicles removed from the scene and towed by a dealer or wrecker to a secure location and the roadway cleared of all hazardous debris as soon as practical. When a dealer or wrecker is ordered to remove a vehicle, the officer shall complete a department authorized Towing Authorization Form (*OPR: 36 Vehicle Towing and Inventory*) and include instructions, in writing, specifically stating if the vehicle is to be "held for investigation" or if it may be released to the owner.

- x. **Fire Hazards and Hazardous Materials**

- a. **Fire Hazards** - The investigating officer will isolate the immediate crash area, remove persons from the vicinity of the hazard if practical, and summon fire rescue assistance when there is potential for fire. The officer will attempt to perform the following when safety allows:

- 1. Rescue persons.

2. Eliminate the possibility of sparks or ignition from smoking, flares, or electrical sources.
3. Extinguish the fire.
- b. Hazardous Materials - Crashes that involve hazardous or harmful substances require specific expertise.
 1. Officers who arrive on scene shall secure the scene and attempt to identify the substance through interviews with the driver, shipping paperwork or cargo identification placards.
 2. Once the substance is identified, the officer must take the appropriate action to ensure the safety of the public and him / herself. Guidance relating to what actions are necessary can be found in such reference material as the Hazardous Materials Emergency Response Guidebook. The appropriate response may include but not be limited to:
 - a. Establishing a perimeter
 - b. Closing a roadway.
 - c. Evacuation of personnel.
 3. If the initial responding officer is a certified Haz Mat Emergency Response Officer (ERO), he/she shall conduct the crash investigation and emergency precautions according to his/her Haz Mat training.

If the initial responding officer is **not** a Haz Mat ERO, he/she shall immediately request assistance from a Headquarters ERO until such time as an ERO can respond to the scene.
 4. The ERO shall request those additional resources deemed appropriate to mitigate the hazard.
 5. The appropriate haz mat paperwork must be completed at the conclusion of the investigation.
- b. Follow-Up investigation responsibilities include, but are not limited to:
 - i. Conduct interviews of driver, passengers or witnesses who may have left or been transported from the scene.
 - ii. Obtain formal statements.
 - iii. Prepare search warrants.
 - iv. Process evidence.
 - v. Using expert / technical assistance; e.g. vehicle crash reconstruction.

4. Equipment

Crash Response - Officers are issued necessary emergency equipment for traffic crash response. Each officer will maintain and have (at a minimum) the following equipment within the patrol vehicle:


- a. Traffic crash report forms, measuring wheel & tape, and investigation templates
- b. First aid kit

- c. fire extinguisher
- d. Flares and stop sign
- e. Biohazard protective equipment
- f. Reflective vest
- g. camera
- h. Emergency Response Guide Book.

5. Investigation


- a. **Collection of Crash Information** - Officers tasked with a traffic crash investigation will use the following procedures:
 - i. **Interview Drivers and Witnesses** - The officer will separate drivers and witnesses before interviewing them to discourage discussion of the crash. The officer will advise the driver of Miranda Warning when the investigation focus changes from a routine interview to a custodial interrogation where a felony, such as great bodily injury or vehicular homicide has occurred.
 - ii. **Examine Vehicle Conditions** - The officer will thoroughly examine involved vehicles for faulty equipment to decide if a deficiency contributed to the crash, was a result of the crash, or was not a factor. The officer will check damage sustained in the collision and compare observations with other evidence and statements.
 - iii. **Collect and Preserve Evidence** - Officers will collect and preserve crash evidence following department policy regarding collection, processing and preservation of evidence. If necessary, the officer may request a crime scene technician to assist with evidence collection.
 - iv. **Photographs** - The officer will take photographs when necessary. The photographs, negatives and/or digital images shall be maintained in accordance with department policy.
 - v. **Examine Road and Weather Conditions** - Officers will note roadway conditions and record weather conditions existing at the time of the collision in the investigative report. Weather and roadway conditions include rain, fog, snow, ice, smoke, etc.
 - vi. **Diagram and Measurements** - The officer will prepare and complete a crash scene diagram when an arrest is made for a violation of law that is deemed to be a contributing factor to the cause of the crash or in the event of an injury or fatality. All other crash investigation diagrams will be completed at the discretion of the investigating officer. If a crash scene diagram is not completed, the officer shall articulate his/her reason in the report narrative and ensure that the report fully articulates and documents the incident.
 - vii. **Exchanging Information among Drivers** - The officer will assist the involved drivers in exchanging information including names, addresses, insurance carriers, driver's license and registration information.
 - viii. **Conduct Follow-up Investigations** - It is often necessary for an officer to conduct follow-up investigations in situations when more evidence is obtained and requires processing as well as locating others who may have been involved or witnesses to obtain formal statements. The investigating officer may also need to follow-up on other issues such as equipment failures.

Clarification
added.



- ix. **Evaluate Vehicle Condition** - The officer will evaluate the overall condition of the vehicle and make a determination of whether or not the vehicle must be towed from the scene or if it may be driven safely from the scene. Should the vehicle require towing, refer to department policy *OPR: 36 Vehicle Towing and Inventory* for specifics regarding the towing of vehicles.
 - b. **Hit and Run Crash** - Officers will respond to hit and run crashes. The officer will obtain a description of the hit and run vehicle, occupants, possible damage to vehicle, and last known or probable direction of travel. The officer will relay vehicle and occupant information to dispatch for distribution to other officers and law enforcement agencies. A suspected hit and run vehicle license plate number, if available, will be checked for the owner's name, address, and theft status.
 - c. **Death or Serious Injury** - The investigating officer may request technical assistance from the Crash Reconstruction Unit (CRU) by contacting or having telecommunications contact, the CRU commander or Assistant Commander. The CRU Commander or Assistant Commander will screen the crash scenario via telephone, or other communication means, to determine if the crash needs to be reconstructed and will assign CRU members as appropriate.
- The investigating officer shall arrange for notification of next of kin as soon as practicable.
- d. **DWI Crash** - An officer will be alert to any physical or emotional impairment that may have affected the persons driving ability including alcohol and / or drug influence. The officer will watch for any behaviors, attitude, speech, or balance problems that may indicate impairment.
 - i. The officer will investigate the traffic crash.
 - ii. Determine signs of impairment.
 - iii. Conduct the investigation according to proper DUI investigative practices.
 - iv. The investigating officer shall notify a supervisor if a driver will be admitted to a hospital. The officer's decision to arrest will not be based on the avoidance of hospital costs. The officer may obtain an arrest warrant for the driver upon the conclusion of the investigation.
 - v. The officer will arrest a hospitalized driver who is a flight risk and has caused great bodily injury or death. A supervisor will arrange for hospital prisoner security.
 - vi. The responding officer may request assistance from the DPS Special Investigations Division to assist with the investigation when there is a suspected violation of the liquor control act.
 - e. **Disturbances between Drivers** - An officer arriving at a crash scene may encounter a verbal and/or physical altercation between the involved parties. Any criminal charges resulting from the altercation will be documented on an Offense/Incident Report.
 - f. **School Bus Crashes** - An officer shall request the Crash Reconstruction Unit for assistance when a school bus has been involved in a crash where a fatality and/or life threatening injury or injuries have occurred as a result of the crash. The officer will complete the primary investigation report and the reconstructionist will complete a reconstruction of the crash.

Clarification
added.



- g. **Private Property Crashes** - Crashes resulting in great bodily injury, death, property damage of \$500 or more occurring on private property, or property having controlled or restricted access, will be investigated and documented on a Uniform Crash Report. Accident reports will also be completed when there is a request by the owner of a vehicle involved in a crash, even when the damage is less than \$500.
- h. **Commercial Vehicle Crashes** – The responding officer may request assistance from the Motor Transportation Division to assist with crash investigations involving CMVs. The Commercial Vehicle supplement will be used for a traffic crash involving a commercial vehicle when the crash meets the established criteria noted on the form.
- i. **Uninsured Motorists** - When an officer identifies that a vehicle involved in a crash is registered in New Mexico and is not insured, nor exempt pursuant to 66-5-207, NMSA 1978, the officer shall:
 - i. Cite the driver.
 - ii. Issue to the driver cited a temporary operation sticker.
 - iii. Remove the New Mexico License Plate from the vehicle.
 - iv. Send it with the duplicate sticker to the Taxation and Revenue Department. If the license plate cannot be removed, permanently deface the plate.
- j. **Identification of Drivers Who May Require Re-examination** – A traffic crash investigation may result in the discovery of a driver who may be suspected of being incompetent due to physical or mental disability, or some other condition that would preclude the driver from exercising reasonable and ordinary care over a motor vehicle. This suspected impairment shall be noted in the crash report. A copy of the crash report shall be forwarded to the Driver's Services Bureau of the Motor Vehicle Division, with an explanation of the need for re-examination.

6. Prosecution

- a. Officers are encouraged to familiarize themselves with the policy of their local prosecuting office with regard to traffic crashes.
- b. Officers are encouraged to notify their local prosecuting office any time a motor vehicle crash may result in the filing of charges pursuant to the prosecuting office's policy.

7.0 ATTACHMENTS

NONE

8.0 APPROVAL

APPROVED BY: _____ s/Gorden E. Eden Jr. _____ DATE: _____ May 09, 2012 _____
DPS Cabinet Secretary